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Security Council

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Letter dated 10 August 2006 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fourth report from the Cook Islands submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Adamantios Th. **Vassilakis**
Acting Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

06-46620 (E) 070906

Annex

Letter dated 7 August 2006 from the Secretary of the Ministry of Foreign Affairs and Immigration of the Government of the Cook Islands addressed to the Chairman of the Counter-Terrorism Committee

Further to your request that the Cook Islands provide further clarification on its previous report, submitted in April 2004, I am pleased to attach herewith for the consideration of the Committee the response of the Cook Islands to the concerns raised by the Committee (see enclosure).

Given our limited resources and other pressing Government priorities, it was difficult to reply any earlier. Therefore, please accept our apologies for the undue delay in compiling this report. I would like to emphasize that this should not be taken as a reflection on the Government's commitment to preventing and suppressing terrorist acts, rather, I would like to stress that our Government is endeavouring to promote the aims and objectives of resolution 1373 (2001) both domestically and regionally.

(*Signed*) Edwin **Pittman**
Secretary

Enclosure*

Fourth report to the United Nations Security Council Committee established pursuant to resolution 1373 (2001) concerning Counter-Terrorism Activities in the Cook Islands

Implementation Measures

Effectiveness in the protection of the financial system

1.1 Terrorism Suppression Act 2004

Section 12 of the above Act provides that "a person must not directly or indirectly, knowingly make available property or other financial or other related services to, or for the benefit of, a terrorist group, *other than for the purposes of humanitarian aid or legal services*".

A copy of the Terrorism Suppression Act 2004 is enclosed herewith.

1.2 Alternative money remittance services

The Financial Transactions Reporting Act 2004 regulates alternative money remittance services and informal banking networks by requiring reporting institutions to undertake various reporting obligations. A reporting institution means any person or entity who conducts as a business one or more of the activities (listed under s. 2 "Definitions" of the Act) for or on behalf of a customer, including money and currency changing; acting as a friendly society; otherwise investing; administrating or managing funds or money on behalf of another person.

A copy of the Financial Transactions Reporting Act 2004 is enclosed herewith to assist with the identification of the activities referred to above.

1.3 Financial Intelligence Unit

The Financial Intelligence Unit (FIU) has three staff, all former police officers with over 14 years service, each well versed in this area. The Unit is currently the model being aspired to by other FIUs in the Pacific region. The Office provides training and information on trends and is established and operates to cover the requirements in the Financial Transactions Reporting Act 2004. As money laundering experts, the Unit was sponsored by the New Zealand Ministry of Foreign Affairs and Trade to facilitate a recent desktop terrorism exercise in Fiji.

* Annexes are on file with the Secretariat and are available for consultation.

1.3.1 Budget

The Budgetary allocation for the Unit is contained in Table 1 below.

Table 1: Financial Intelligence Unit Budget

Financial Year	Budget (NZ$)
2002-2003	$100,000
2003-2004	$250,000
2004-2005	$335,600
2005-2006	$437,600

1.3.2 Staffing

1. Head of the Unit is the Chief Executive Officer.

2. Intelligence Officer

- Analyses reports received from reporting entities and others
- Where appropriate disseminates intelligence to appropriate domestic and/or foreign agencies and where deemed appropriate, to the Police for investigation

3. Compliance Officers (2 positions with one vacancy)

- Conducts on-site visits to ensure compliance with the obligations pursuant to the Financial Transactions Reporting Act 2003 and 2004

1.3.3 Membership

As acknowledgement and recognition of the Unit's expertise, it holds various positions in the following international organizations: –

- Chair – Asia Pacific Group on Money Laundering (APG) Implementation Issues Working Group (IIWG)
- Member of Egmont Group of FIUs
  - Oceania representative to the Egmont Group of FIUs
  - Member of the Executive Committee
  - Member – Egmont Group training working group
- Member – APG typologies working group
  - Cook Islands delegate to APG annual meeting
- Member – Financial Action Task Force (FATF) working group on money laundering and terrorist financing
  - Member – FATF working group on evaluation and implementation
  - Member – FATF working group on corporate vehicles
- Chair – Cook Islands Coordinating Committee of Agencies and Ministries (CCAM) on anti-money laundering and combating the financing of terrorism
- Member – Cook Islands Combined Law Agency Group (CLAG)
- Central agency responsible for Cook Islands in respect of anti-money laundering and combating the financing of terrorism

1.4 Suspicious Transaction Reports

There is a two-step process in determining suspicious transaction reports.

1.4.1 Financial Intelligence Unit

The Financial Intelligence Unit receives reports from the various entities in the financial sector. The FIU undertakes the necessary intelligence work on the reports and when they are deemed ready or if the FIU believes money laundering or proceeds of a serious crime are apparent, the report is passed onto the Police for investigation. To date the FIU has not referred any such reports to the Police for investigation.

1.4.2 Police

The Police have the ability to investigate and prosecute for money laundering on their own accord without having to receive any information or reports from the FIU. Where the Police are dealing with someone for a serious crime (where the penalty is more than 12 months imprisonment or a $500 fine) they can lay a money laundering charge. During or following an investigation, the Police can then prosecute. There have been no such prosecutions to date.

Effectiveness of Counter-Terrorism machinery

1.5 International instruments

Due to capacity constraints (to prepare implementing legislation), the Cook Islands has yet to accede to the five international instruments referred to in its first report.

1.6 Charity organisations

The Income Tax Act 1997 provides that a 'charitable purpose' includes every charitable purpose, whether it relates to the relief of poverty, the advancement of education or religion, or any other matter beneficial to the community.

The Act further provides that income (not being income of the kind referred to in the paragraph following) derived by trustees in trust for charitable purposes or derived by any society or institution established exclusively for such purposes and not carried on for the private pecuniary profit of any individual shall be exempt from taxation. Income derived directly or indirectly from any business carried on by or on behalf of or for the benefit of trustees in trust for charitable purposes within the Cook Islands, or derived directly or indirectly from any business carried on by or on behalf of or for the benefit of any society or institution established exclusively for such purposes and not carried on for the private pecuniary profit of any individual shall also be exempt from taxation.

The Incorporated Societies Act 1994 provides that any society consisting of not less than fifteen persons associated for any lawful purpose but not for pecuniary gain may apply to become incorporated as a society under the Act. Every society registered under the Act is required to present an annual financial statement to the Registrar of Incorporated Societies. The statement will contain some of the following particulars: income and expenditure, assets and liabilities, mortgages, charges and securities and

the like. The statement has to be approved at an annual general meeting. In most cases, the statement is audited. Not all charitable organisations (i.e., not for profit) are incorporated under the Act, for example, housie or bingo organisations.

Effectiveness of Customs, Immigration and Border Controls

1.7 Immigration controls

A copy of the amended Entry, Residence and Departure Act, 1971-72 will be submitted for the information of the Committee when it is enacted.

The Crimes Amendment Act 2004 (attached herewith) has been amended to address people smuggling and trafficking. The Amendment provides for fines up to $500, 000 or 20 years imprisonment for trafficking in persons and the smuggling of persons. It also provides for a fine not exceeding $300, 00 or an imprisonment term not exceeding 14 years for facilitating the stay of an unauthorised person in order to obtain a material benefit. Finally, the Amendment makes it an offence for a person to produce fraudulent travel or identify documents, a person caught doing so may be liable to imprisonment for a term not exceeding 5 years or to a fine not exceeding $5,000.

1. 8 Controls on preventing access to weapons by terrorists

(a) Legislation, regulations, administrative procedures

Any person or entities wanting to import firearms, ammunition or explosives into the Cook Islands requires a permit from the Minister of Police. When the goods arrive at the border, the Cook Islands Customs will intercept and verify the consignment with the permit before the goods are released. In the case of discrepancies from the inspection of the contents, the consignment will not be released and Customs will refer the matter to the Police for further investigation. A clean consignment will be released immediately.

The screening of shipping cargo manifests, air cargo manifests and parcel post declarations assist Customs in detecting or obtaining first hand information on any consignments of restricted articles such as firearms, ammunition and explosives.

There is no local manufacture of firearms, explosives and ammunitions in the Cook Islands. These goods are classified as prohibited imports under the Cook Islands Arms Ordinance Act 1954 and under the authority of s. 46 of the Customs Tariff Act 1980. The sale of arms, ammunition and explosives is prohibited in the Cook Islands, although the Minister of Police may appoint a person to sell such items. To date, no such person or entity in the Cook Islands sells arms, ammunition or explosives. Explosives may be imported into the Cook Islands; however, it is normally for the sole use of the Ministry of Works, Energy and Physical Planning and other approved contractors for the purpose of infrastructure projects.

(b) Export Control

Any export of firearms, ammunition and explosives requires the exporter to produce appropriate documentation such as a Customs export entry permit, shipping documents, Police permits or registration forms of such firearms. Such exports are noted for make, model and serial numbers, etc.

Almost all exports are for repairs or the return of such firearms. Most firearms are exported to New Zealand given that they were originally imported from that country. The screening process would indicate the dealer or the firearm supplier overseas. If however, a person other than known exporters of firearms exports the firearm, then this would alert the Customs to fully inspect the consignment.

The Cook Islands Customs has not implemented any intelligence based risk management of borders to identify high-risk goods. Cook Islands Customs rely heavily on information exchange amongst law enforcement agencies in the region and internationally. They also receive assistance for any related information from INTERPOL through the New Zealand Police and New Zealand Customs Services and the Pacific Transnational Crime Coordination Centre (PTCCC). The latter agency was established in June 2004 and provides the Pacific Islands States with their own mechanism to facilitate and enhance the exchange of law enforcement intelligence throughout the Pacific as it functions as the regional trans-national criminal intelligence unit.

(c) Brokering

Given that arms, ammunition or explosives are not manufactured in the Cook Islands but imported from overseas usually New Zealand, there is no requirement to disclose the names and locations of brokers involved in transactions concerning firearms or explosives on the import and export licences, or on any of the accompanying documents. Nevertheless, most importers retain their copies of any receipts or invoices for the purposes of Customs duties and related taxes.

There are no legal provisions allowing for the sharing of relevant information with foreign counterparts in order to enable cross-border cooperation, even so, the law enforcement agencies do share and receive intelligence from their counterparts throughout the region.

(d) Stockpile management and security

There are no legal and administrative procedures in the Cook Islands to provide for the security of firearms, ammunition and explosives at the time of import, export and transit through the Cook Islands.

The Cook Islands has not implemented using risk assessment principles, any special security measures on the import, export and transit of firearms, such as conducting security checks on the temporary storage and transport of firearms because most requests for the importation of firearms is for a single firearm. Registered law enforcement officials who would have undergone security vetting to enable to join the law enforcement agencies would carry out any such security check.

(e) Law enforcement/illegal trafficking

Cook Islands law enforcement agencies cooperate with various regional agencies such as the Oceania Customs Organisation, Pacific Islands Chiefs of Police Conference, Pacific Islands Immigration Directors Conference in sharing information and tracking illegal trafficking.

(f) National point of contact

The national point of contact to act as liaison with other States on matters relating to the prevention of access to weapons by terrorists would be the **Commissioner of Police, Ministry of Police, PO Box 101, Avarua, Rarotonga, Cook Islands, Tel: (682) 22 499, Fax: (682) 29 331**.

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Letter dated 10 August 2006 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Austria submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Adamantios Th. **Vassilakis**
Acting Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-46581 (E) 070906

Annex

Note verbale dated 7 August 2006 from the Permanent Mission of Austria addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) and with reference to the Chairman's letter dated 15 May 2006 has the honour to transmit herewith Austria's report on the implementation of Security Council resolution 1624 (2005) (see enclosure).

Enclosure

Implementation of Security Council resolution 1624 (2005)

Report by Austria

In reply to the letter of the Chairman of the Security Council Counter-Terrorism Committee of 15 May 2006 requesting information on the implementation of the provisions of Security Council Resolution 1624 (2005) Austria submits the following information:

Paragraph 1

What measures does Austria have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further Steps, if any, are under consideration?

The Austrian Penal Code clearly prohibits incitement to commit a terrorist act or acts.

According to Section 12 of the Austrian Penal Code ("Treatment of all participants as offenders") not only the immediate offender is held criminally liable but also any person who incites another person to commit the offence (or who contributes to the offence committed by another person). Therefore the inciting person is subject to the same criminal provision (and the same range of sentence) as the immediate offender.

Incitement according to this provision means intentionally causing the immediate offender's decision to commit the offence, even if the latter is in principle already determined to commit an offence. Incitement is therefore the intentional, direct or indirect (also the incitement to incite the immediate offender is covered) causing of the commission of an offence by creating or furthering the immediate offender's decision to act. Neither a direct link between the inciting and the incited person nor a particular intensity is required. Depending on the circumstances, a mere request could be sufficient. On the other hand, the coercion of somebody to commit an offence is incitement too.

The inciting person must prompt the incited person to a concrete criminal act, which however needs not to be determined in all details. The incitement can be directed to a single person or several people. The person addressed needs not to be determined as such for the inciting person. Even the incitement of an entirely open group of persons has been decided to be covered by Section 12 of the Penal Code. Furthermore, in case the immediate "offender" acts without intention (because of an error caused by the inciting person) or is unfit to be sentenced because of his/her mental insanity, Section 12 of the Penal Code is applicable for the person, who causes the decision to act.

In addition to Section 12 of the Penal Code, Section 282 of the Austrian Penal Code criminalises the instigation to and approval of criminal offences. According to paragraph 1 of this provision, whoever instigates to a criminal offence – meaning any criminal offence, including such which could be deemed as terrorist offences – in a publication, on broadcast or by any other means that might render this message available to the broad public, is to be punished by imprisonment up to three years if

he/she may not be punished more seriously for participating in the offence itself according to Section 12.

For the sake of completeness it should be mentioned that, according to Section 282 paragraph 2 of the Penal Code, whoever publicly (in the aforementioned sense) approves of a criminal offence, that has been committed intentionally and can be punished with imprisonment of more than one year, in a way that might insult the general sense of law or that might incite the commission of such offences, is likewise to be punished.

Unlike Section 12 of the Penal Code the application of Section 282 paragraph 1 requires publicity. However, its scope is broader because the criminal act, to which the offender instigates, needs not to be a concrete one. Criminal liability pursuant to Section 282 paragraph 1 is also not subject to the actual commission of the (kind of) criminal act to which the offender instigated.

The Austrian Penal Code also prohibits preparatory acts to commit a terrorist act or acts.

According to Section 15 paragraph 2 of the Austrian Penal Code, preparatory acts constitute a criminal offence as soon as the offender materializes his decision to commit the offence with an action immediately preceding the commission of the offence. This is also applicable with regard to a person inciting the immediate offender. Therefore criminal liability of the inciting person is established as soon as he/she materializes his/her decision to incite another person to commit an offence with an action immediately preceding the act of incitement. Criminal liability of the inciting person is independent from the fact whether the immediate offender acts accordingly or not.

As all necessary legal provisions are in place to prohibit and prevent incitement to commit a terrorist act or acts (see above), no further legal steps are currently under consideration.

What measures does Austria take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

On 1 January 2006, the new aliens act (Federal Law Gazette I Nr. 100/2005) entered into force. It provides for specific measures to combat terrorism:

- The possibility of issuing a residence ban if the alien is suspected of belonging or having belonged to a terrorist organisation or if the behaviour of the alien poses a threat to public order and safety, i.e. by inciting to violence, inciting to commit a crime or a terrorist act.

- The issuing of visas may be denied if the alien poses a threat to public order or safety, i.e. if the alien belongs to a criminal or terrorist organisation.

- For the purpose of public safety, the Ministry of the Interior in cooperation with the Ministry for Foreign Affairs can decide that nationals of certain states or travellers on specific travelling routes need a visa for flight transit.

According to the settlement and residence law a residence permit may not be issued to a foreigner if a ban on residence is in place or if his residence may constitute a threat to public safety. This may be the case if the foreigner rejects the fundamental values of democratic states and societies and if he/she communicates or has communicated these ideas to a wider public with the intent of incitement or if the foreigner supports a person or organisation, which pursues these goals.

Paragraph 2

How does Austria cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

A distinction needs to be made between the neighbouring Schengen-members, Germany and Italy, and all other neighbouring countries.

1. As regards the Czech Republic, Slovakia, Hungary, Slovenia, Switzerland and Liechtenstein:

Austria has – following the idea that a greater level of safety and security in the surrounding countries also means more safety and security at home - always devoted a great amount of attention to the working-relations with all neighbouring countries.

There are three main reasons for this approach:

First, Austria is currently bordering six countries which are not part of the Schengen-area (meaning that Austria has – according to the Schengen Implementing Convention - to control an external border of approximately 1.300km).

Second, following the EU enlargement of 2004 and the successful negotiations on the participation of Switzerland and Liechtenstein in Schengen, the Schengen-area will include also these six countries by 2008 (or later, depending on the Schengen-evaluation process), meaning that

- border-control to these six countries will be abolished;

- the principle of free-movement will be established between the current and the new Schengen-members;

- it will be of utmost importance to have a well-working network of cross-border-police-cooperation in place to avoid any security-deficit in this field.

Third, thinking of the vastly increasing numbers of travellers and, as well, of the vastly expanding crime-area it is of utmost importance to have a tight network of contacts available to be able to counteract in an appropriate manner wherever and whenever necessary.

Depending on the neighbouring-country there are the following contacts:

- monthly to quarterly regular meetings at central level;
- regular meetings at regional level;
- almost weekly meetings at district-level.

Contrary to the district- and regional-meetings, where basically latest developments are exchanged and special cross-border-operations as well as other common actions (like joint patrols) are being planned, the meetings on central level cover many more topics. Among those topics are:

- border-control and -surveillance matters;
- illegal migration (cases and trends);
- asylum (cases and trends);
- anti-trafficking (latest developments);
- criminal police and (where appropriate);
- terrorism ("hot" cases and trends being discussed at special meetings led by the Office for the Protection of the Constitution and Counterterrorism).

Austria has concluded Police-Cooperation-treaties with all neighbouring countries which include all necessary tools, such as cross-border-surveillance, hot pursuit, controlled delivery, common police-cooperation-centres, provisions allowing and regulating an intensive information-exchange and the exchange of liaison-officers.

Over the past years Austria has enhanced the deployment of law enforcement officers and document advisors and is in particular cooperating with the neighbouring countries in this field. Currently Austria has:

- 18 law enforcement officers abroad (competence being law-enforcement in general, ranging from migration to border-control and also terrorism);
- 4 permanent document advisors abroad and 37 fully trained advisors ready to go on short term missions.

Austria has developed an intranet-platform called ARGUS, where – among others – descriptions of documents are being stored and messages about newly detected cases of falsified or forged documents can be transmitted to all relevant authorities in Austria and to Austrian embassies and consulates abroad. In this field, Austria is closely cooperating with the German Land of Bavaria and Switzerland (including a regular exchange of newly acquired data and information).

2. As regards Germany and Italy:

All forms of cooperation set out above also exist with regard to Germany and Italy. However, border-controls to these two countries have already been abolished in 1998.

In addition Austria and Germany

- have recently put into force a common Police-Cooperation-treaty, which provides for a closer cooperation than set out in the Schengen acquis and which is currently considered being a model for other countries in their efforts to further develop the Schengen acquis in this field, and

- are partners, among other European countries, in the so-called Prüm-Treaty concerning the deepening of cross-border cooperation for combating terrorism, transnational crime and illegal migration.

Paragraph 3

What international efforts is Austria participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilisations in an effort to prevent the indiscriminate targeting of different religions and cultures?

Austria, in its foreign policy, has long ago established, and maintains, a priority area of action in the field of the dialogue of religions. In 1993, on the initiative of the then Foreign Minister Alois Mock, the first high-level Christian-Islamic conference took place in Vienna under the title: "Peace for Mankind – Foundations, Problems and Future Perspectives from the Christian and Islamic Points of View". It was followed by a series of similar events which brought together Christian, Islamic and Jewish leaders throughout the Nineties and up to today.

In 2003, religious leaders of Europe's 20 million Muslims met in Graz, Austria for the first European Conference of Imams and heads of Islamic Centres.

In their final document, they endorsed the following principles:

- A rejection of all forms of fanaticism, extremism and fatalism;

- Human rights as a central feature of Islam;

- Loyalty to the constitutional order and the rule of law;

- Pluralism as an Islamic principle willed by God.

From 14 to 16 November 2005, the Austrian Foreign Ministry hosted the conference "Islam in a Pluralistic World" in Vienna which counted the Presidents of Afghanistan and Iraq, Hamid Karzai and Jalal Talabani, Nobel Peace Prize Winner Shirin Ebadi, and numerous high-ranking religious and political leaders among its participants. At this conference, Austrian Foreign Minister Ursula Plassnik warned against "representing terrorism as a product of a war between cultures and religions" and asked "to make a stand against simplifications, prejudices and stereotyped enemies".

From 7 to 9 April 2006, the second European Conference of Imams took place in Vienna. The final document of this conference reaffirmed the European Islamic religious leaders' commitment to human rights and democracy and inter alia called for an increased participation of Muslims in the democratic processes of the countries they live in.

In the context of the Austrian presidency in the European Union, the following events took place:

- On 20 and 21 March 2006 Austria and the Commission held a Seminar on radicalisation and recruitment in Trier (Germany) which focused on radicalisation in prisons, threats posed by returning Jihadists and strategies to encourage recruits to leave terrorist groups.

- On 28 and 29 March 2006 Austria and Europol organised a seminar on radicalisation and recruitment and the Internet in The Hague.

- On 19 May 2006 an event took place in Vienna in the field of "dialogue of cultures and religions". Purpose of the conference was to analyse and compare various models of integration and dialogue at local, regional and national level, in order to contribute to the implementation of the strategy against radicalisation and recruitment.

With the aim of setting up a European network of experts between all the member states of the European Union, the Ministry of the Interior has initiated a project called "Forum Islam in European Perspective". Its objectives are the integration and institutionalisation of Islam in Europe and it particularly focuses on integration issues and on the prevention of terrorism. Firstly, the network will allow experts to exchange experience on these issues. Secondly, this project should help to develop confidence and cooperation between state institutions and Muslim communities.

What steps is Austria taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

The Ministry of the Interior publishes a yearly report on recent developments in the field of extremism and terrorism. Another yearly report contains detailed information on threats caused by terrorism. Both reports contribute to the dissemination of information and to the sensitisation of the public.

With a view to implementing Resolution 1624 (2005), the Office for the Protection of the Constitution and Counterterrorism, located in the Ministry of the Interior, started the so-called Security Dialogue. This dialogue is carried forward between religious communities in Austria and public institutions, such as schools and aims at the prevention of subversive activities in the fields of education, culture and religion.

Paragraph 4

What is Austria doing to ensure that any measures taken to implement paragraphs 1, 2, and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

The Austrian Criminal Procedure Code (CPC) does not provide separate procedures for prosecuting persons suspected of terrorist acts, leading or participating in a terrorist association or criminal acts committed in such a context. This means that legally there are no differences between criminal proceedings based on a suspicion of criminal acts with a terrorist background and proceedings based on a suspicion of other criminal acts. Therefore, all provisions of the CPC, which apply to other suspects before or during trial, are to be applied to those suspected of criminal acts with a terrorist background. In particular, cases are to be adjudicated by the competent court according to the CPC and the rights of defence are the same as in all other cases.

The Austrian Penal Code and the CPC form integral parts of the Austrian legal order which is based on the respect of human rights and the rule of law. In particular, the European Convention on Human Rights (ECHR) has constitutional force in Austria. Under the ECHR, all laws, administrative acts and court sentences are subject to judicial review by the European Court of Human Rights.

As for administrative measures, Article 18(1) of the Federal Constitution stipulates that the entire public administration shall be based on law. This holds inter alia also for any coercive measure taken by an administrative organ.

Austria's laws regulating the admittance of refugees are in conformity with international human rights standards and the 1951 Convention relating to the status of refugees. The implementation of UNSC resolution 1624 has not engendered any changes to these laws or their application.

As regards humanitarian law, Austria is a party to the four Geneva Conventions of 1949 and to the two additional protocols of 1977. International Humanitarian Law forms an integral part of the general training of troops, NCOs and officers of the Austrian army. Furthermore, in the course of preparatory training for international peace-keeping missions, aspects of IHL specific to the particular region of deployment are regularly included. Austrian forces are currently not engaged in any combat missions.